IN THE HIGH COURT OF PUNJAB & HARYANA CHANDIGARH

Criminal Revn. No.2060 OF 2007(O&M)
Date of Decision: November 27, 2007

MIR SINGH AND ANOTHER

.....PETITIONERS

VERSUS

STATE OF HARYANA

.....RESPONDENT

. . .

CORAM: HON'BLE MR. JUSTICE A.N.JINDAL

Present: Mr. Anil Malik, Advocate,
for the petitioners.

Mr. K.S.Godara, DAG, Haryana.

A.N.JINDAL, J

This revision petition arises out of the judgment dated 29.09.07 passed by Sessions Judge, Bhiwani dismissing the appeal of the petitioners against the judgment dated 10/11.07.06 passed by Sub Divisional Judicial Magistrate Charkhi Dadri convicting the accused Suraj Bhan u/s 325 IPC and sentencing him to rigorous imprisonment for a period of six months and to pay a fine of Rs.1000/- and Mir Singh u/s 323 IPC and sentencing him to undergo RI for a period of two months and to pay a fine of Rs.500/-.

Without assailing the judgment of conviction, Anil Malik, counsel for the petitioners has urged that the petitioners have already suffered a lot due to the protracted

proceedings pending against them since 1997, therefore, a lenient view may be taken. Even otherwise, judgment when examined on merits, no such defect in procedure could be detected requiring interference by this Court. The evidence appears to have been properly appreciated.

Having deliberated over the matter, the case remained pending against the petitioners since 1997, they have already suffered a lot due to the protracted proceedings that apart Mir Singh has already undergone few days short of 2 months(the sentence awarded against him) of the substantive sentence and Suraj Bhan has undergone about 3 months.

Under these circumstances, ends of justice would be served if the sentence awarded against the petitioners reduced to already undergone.

Consequently, this revision petition is dismissed with the modification in the sentence to that already undergone without alteration in the fine.

Copy of the judgment be sent to Chief Judicial Magistrate, Bhiwani for compliance.

(A.N.JINDAL)
JUDGE

November 27, 2007
Ruchika

To be referred to reporter: Yes/No